

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1604 be amended to read as follows:

1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-8.1-1-1, AS AMENDED BY P.L.131-2008,
4 SECTION 27, AS AMENDED BY P.L.146-2008, SECTION 358,
5 AND AS AMENDED BY P.L.95-2008, SECTION 15, IS
6 CORRECTED AND AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE UPON PASSAGE]: Sec. 1. "Listed taxes" or "taxes"
8 includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5);
9 the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax
10 (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); *the type II*
11 *gambling game excise tax (IC 4-36-9)*; the gross income tax (IC 6-2.1)
12 (repealed); the utility receipts and utility services use taxes (IC 6-2.3);
13 the state gross retail and use taxes (IC 6-2.5); the adjusted gross income
14 tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the
15 county adjusted gross income tax (IC 6-3.5-1.1); the county option
16 income tax (IC 6-3.5-6); the county economic development income tax
17 (IC 6-3.5-7); *the municipal option income tax (IC 6-3.5-8)*; the auto
18 rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the
19 gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1);
20 the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1);
21 a motor fuel tax collected under a reciprocal agreement under
22 IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial
23 vehicle excise tax (IC 6-6-5.5); *the excise tax imposed on recreational*
24 *vehicles and truck campers (IC 6-6-5.1)*; the hazardous waste disposal
25 tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC
26 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC
27 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax
28 (IC 7.1-4-5); **the Marion County alcoholic beverage tax**
29 **(IC6-9-12.5)**; the petroleum severance tax (IC 6-8-1); the various
30 innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC
31 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil

inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversized vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 2. IC 6-6-9.7-7, AS AMENDED BY P.L.214-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The city-county council of a county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) Except as provided in subsection (c), the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that:

(1) if on December 31, 2027, there are obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration date set forth in subsection (a) and through December 31, 2040; and

(2) the additional rate authorized under this subsection expires on:

(A) January 1, 2041;

(B) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26; or

(C) October 1, 2005, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under a lease or a sublease of an existing capital improvement entered into under IC 5-1-17, unless waived by the budget director.

(d) The amount collected from that portion of county supplemental auto rental excise tax imposed under:

(1) subsection (b) and collected after December 31, 2027; and

(2) under subsection (c);

shall, in the manner provided by section 11 of this chapter, be distributed to the capital improvement board of managers operating in a consolidated city or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board of managers or its designee shall deposit the revenues received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(e) On or before June 30, 2009, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from four percent (4%) to five percent (5%). The ordinance must specify that the increase in the tax authorized under this subsection expires on January 1, 2041. The amount collected from an increase adopted under this subsection shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its designee. The capital improvement board or its designee shall deposit the revenue received under this subsection in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:

- (1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26; or**
- (2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.**

~~(e)~~ **(f)** If a city-county council adopts an ordinance under subsection (a), ~~or~~ (c), **or (e)**, the city-county council shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue.

~~(f)~~ **(g)** If a city-county council adopts an ordinance under subsection (a), ~~or~~ (c), **prior to or (e) before** June 1, the county supplemental auto rental excise tax applies to auto rentals after June 30 of the year in which the ordinance is adopted. If the city-county council adopts an ordinance under subsection (a), ~~or~~ (c), **or (e)** on or after June 1, the

1 county supplemental auto rental excise tax applies to auto rentals after
2 the last day of the month in which the ordinance is adopted."

3 Page 5, line 33, delete "twenty-five".

4 Page 5, line 34, delete "hundredths percent (0.25%)" and insert
5 **"five-tenths percent (0.5%)"**.

6 Page 5, line 34, delete "twenty-five".

7 Page 5, line 35, delete "hundredths percent (0.25%)." and insert
8 **"five-tenths percent (2.5%)."**

9 Page 7, between lines 2 and 3, begin a new paragraph and insert:

10 **"SECTION 8. IC 6-9-12.5 IS ADDED TO THE INDIANA CODE**
11 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
12 **UPON PASSAGE]:**

13 **Chapter 12. Marion County Alcoholic Beverage Tax**

14 **Sec. 1. This chapter applies only in a county in which a**
15 **consolidated city is located.**

16 **Sec. 2. "Alcoholic beverage", as used in this chapter, has the**
17 **meaning set forth in 7.1-1-3-5.**

18 **Sec. 3. (a) After January 1 but before June 1 of any year, the**
19 **city-county council of a county that contains a consolidated city**
20 **may adopt an ordinance to impose an excise tax, known as the**
21 **county alcoholic beverage tax, on the sale or gift, or the withdrawal**
22 **for sale or gift, of an alcoholic beverage that is:**

23 **(1) subject to tax under IC 7.1-4; and**

24 **(2) to be delivered for resale within the county.**

25 **The tax does not apply to a transaction that is a retail sale by a**
26 **retail merchant of an alcoholic beverage for on-premises**
27 **consumption.**

28 **(b) If a city-county council adopts an ordinance under**
29 **subsection (a), it shall immediately send a certified copy of the**
30 **ordinance to the commissioner of the department of state revenue.**

31 **(c) If a city-county council adopts an ordinance under**
32 **subsection (a), the tax applies after June 30 of the year in which the**
33 **ordinance is adopted.**

34 **Sec. 4. (a) The county alcoholic beverage tax rate must be**
35 **specified as a rate in one cent (\$0.01) increments per gallon and be**
36 **set forth in the ordinance. However, the rate may not exceed the**
37 **following:**

38 **(1) Eleven cents (\$0.11) on each gallon of beer or flavored**
39 **malt beverage.**

40 **(2) Two dollars and sixty-eight cents (\$2.68) on each gallon of**
41 **liquor.**

42 **(3) Forty-seven cents (\$0.47) on each gallon of wine.**

43 **(4) Five cents (\$0.05) on each gallon of liquid malt or wort.**

44 **(5) Eleven cents (\$0.11) on each gallon of hard cider.**

45 **(b) The county alcoholic beverage tax on a particular beverage**
46 **shall be imposed, paid, and collected in the same manner and at the**
47 **same times as the tax under IC 7.1-4 is imposed, paid, and collected**
48 **for that particular alcoholic beverage. The department of state**

revenue shall adopt rules, under IC 4-22-2, and procedures to implement the tax under this chapter.

Sec. 5. (a) The amounts received from the county alcoholic beverage tax shall be paid monthly by the treasurer of the state to the treasurer of the capital improvement board of managers of the county or its designee upon warrants issued by the auditor of state.

(b) The capital improvement board or its designee shall deposit the revenue received under this section in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:

- (1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26; or
- (2) for the construction or equipping of a capital improvement that is used for a professional sporting event or convention, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement."

Page 17, line 26, after "adopted." insert "**However, if an ordinance is adopted before December 1, 2009, and the ordinance takes effect January 1, 2010, the tax applies to transactions after December 31, 2009.**".

Page 19, line 4, delete "Specifically and not in limitation of this subsection," and insert "**For purposes of this chapter,**".

Page 19, line 5, after "gross" insert "**retail**".

Page 21, line 39, delete "establish a parks and".

Page 21 delete lines 40 through 41 and insert:

"establish a:

- (1) tourism promotion fund; and**
- (2) parks and recreation fund.**

(b) The county treasurer shall deposit fifty percent (50%) of the amount received under this chapter in each of the following funds:

- (1) The tourism promotion fund.**
- (2) The parks and recreation fund.**

(c) Money in the tourism promotion fund may be expended only to promote and encourage tourism within the county. Expenditures under this subsection may include expenditures for advertising, promotional activities, trade shows, special events, and recreation."

Page 21, line 42, delete "(b)" and insert "(d)".

Page 22, delete lines 7 through 42.

Delete page 23.

1 Page 24, delete lines 1 through 11.

2 Page 32, between lines 9 and 10, begin a new paragraph and insert:

3 "SECTION 45. IC 36-7-31.3-8, AS AMENDED BY P.L.1-2006,
4 SECTION 570, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) A designating body may
6 designate as part of a professional sports and convention development
7 area any facility that is:

8 (1) owned by the city, the county, a school corporation, or a board
9 under IC 36-9-13, IC 36-10-8, IC 36-10-10, or IC 36-10-11, and
10 used by a professional sports franchise for practice or competitive
11 sporting events; or

12 (2) owned by the city, the county, or a board under IC 36-9-13,
13 IC 36-10-8, IC 36-10-10, or IC 36-10-11, and used as one (1) of
14 the following:

15 (A) A facility used principally for convention or tourism
16 related events serving national or regional markets.

17 (B) An airport.

18 (C) A museum.

19 (D) A zoo.

20 (E) A facility used for public attractions of national
21 significance.

22 (F) A performing arts venue.

23 (G) A county courthouse registered on the National Register
24 of Historic Places.

25 A facility may not include a private golf course or related
26 improvements. The tax area may include only facilities described in
27 this section and any parcel of land on which a facility is located. An
28 area may contain noncontiguous tracts of land within the city, county,
29 or school corporation.

30 (b) Except for a tax area that is located in a city having a population
31 of:

32 (1) more than one hundred fifty thousand (150,000) but less than
33 five hundred thousand (500,000); or

34 (2) more than ninety thousand (90,000) but less than one hundred
35 five thousand (105,000);

36 a tax area must include at least one (1) facility described in subsection
37 (a)(1).

38 (c) A tax area may contain other facilities not owned by the
39 designating body if:

40 (1) the facility is owned by a city, the county, a school
41 corporation, or a board established under IC 36-9-13, IC 36-10-8,
42 IC 36-10-10, or IC 36-10-11; and

43 (2) an agreement exists between the designating body and the
44 owner of the facility specifying the distribution and uses of the
45 covered taxes to be allocated under this chapter.

46 **(d) In a city having a population of more than one hundred fifty**
47 **thousand (150,000) but less than five hundred thousand (500,000),**

a tax area may contain a facility located at an Indiana University-Purdue University regional campus. The amount of covered taxes that may be captured from such a facility is three million dollars (\$3,000,000).

SECTION 46. IC 36-7-31.3-9, AS AMENDED BY P.L.214-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) A tax area must be initially established by resolution:

(1) except as provided in subdivision (2) before July 1, 1999; or

(2) before January 1, 2005, in the case of:

(A) a second class city; or

(B) the city of Marion;

according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. Before May 15, 2005, a tax area may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area. After May 14, 2005, a tax area:

(1) not located in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000) may not be changed and the terms governing a tax area may not be revised; or

(2) located in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000) may be changed and the terms governing a tax area may be revised to include a facility located at an Indiana University-Purdue University regional campus.

Only one (1) tax area may be created in each county.

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

(1) Except for a tax area in a city having a population of:

(A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or

(B) more than ninety thousand (90,000) but less than one hundred five thousand (105,000);

there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used by a professional sports franchise for practice or competitive sporting events. A tax area to which this subdivision applies may also include a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(2) For a tax area in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a) of this

1 chapter.

2 (3) For a tax area in a city having a population of more than
3 ninety thousand (90,000) but less than one hundred five thousand
4 (105,000), there is a capital improvement that will be undertaken
5 or has been undertaken in the tax area for a facility that is used for
6 any purpose specified in section 8(a)(2) of this chapter.

7 (4) The capital improvement that will be undertaken or that has
8 been undertaken in the tax area will benefit the public health and
9 welfare and will be of public utility and benefit.

10 (5) The capital improvement that will be undertaken or that has
11 been undertaken in the tax area will protect or increase state and
12 local tax bases and tax revenues.

13 (c) The tax area established under this chapter is a special taxing
14 district authorized by the general assembly to enable the designating
15 body to provide special benefits to taxpayers in the tax area by
16 promoting economic development that is of public use and benefit.

17 SECTION 47. IC 36-7-31.3-10 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A tax area must
19 be established by resolution. A resolution establishing a tax area must
20 provide for the allocation of covered taxes attributable to a taxable
21 event or covered taxes earned in the tax area to the professional sports
22 and convention development area fund established for the city or
23 county. The allocation provision must apply to the entire tax area.
24 **However, for a tax area located in a city having a population of**
25 **more than one hundred fifty thousand (150,000) but less than five**
26 **hundred thousand (500,000), the allocation shall be as follows:**

27 (1) **The first three million dollars (\$3,000,000) shall be**
28 **transferred to the county treasurer for deposit in the**
29 **supplemental coliseum improvement fund.**

30 (2) **The remainder shall be transferred to the treasurer of the**
31 **joint county-city capital improvement board in the county.**

32 The resolution must provide the tax area terminates not later than
33 December 31, 2027.

34 (b) In addition to subsection (a), all of the salary, wages, bonuses,
35 and other compensation that are:

36 (1) paid during a taxable year to a professional athlete for
37 professional athletic services;

38 (2) taxable in Indiana; and

39 (3) earned in the tax area;

40 shall be allocated to the tax area if the professional athlete is a member
41 of a team that plays the majority of the professional athletic events that
42 the team plays in Indiana in the tax area.

43 (c) The total amount of state revenue captured by the tax area may
44 not exceed **for a tax area:**

45 (1) **not located in a city having a population of more than one**
46 **hundred fifty thousand (150,000) but less than five hundred**
47 **thousand (500,000), five dollars (\$5) per resident of the city or**

county per year for twenty (20) consecutive years; **or**
(2) located in a city having a population of more than one
hundred fifty thousand (150,000) but less than five hundred
thousand (500,000), eight dollars (\$8) per resident of the city
per year.

(d) The resolution establishing the tax area must designate the facility or proposed facility and the facility site for which the tax area is established.

(e) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area."

Page 32, line 19, delete "the municipality" and insert "**a consolidated city**".

Page 32, line 32, delete "other" and insert "**, in the case of a consolidated city, a**".

Page 33, line 8, after "(B)" insert "**in the case of a consolidated city,**".

Page 33, between lines 14 and 15, begin a new line block indented and insert:

"(10) in the case of a consolidated city:".

Page 33, line 15, delete "(10)" begin a new line double block indented and insert:

"(A)".

Page 33, line 15, delete "(11)" begin a new line double block indented and insert:

"(B)".

Page 33, line 42, delete "municipality" and insert "**consolidated city**".

Page 34, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 55. IC 36-9-12-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A consolidated city may impose a fee for parking at a commercial parking establishment in an amount set by ordinance. The operator of the commercial parking establishment shall collect the fee and remit fees collected each month to the county treasurer before the tenth (10th) day of the following month. The amounts received from the fees shall be transferred to the treasurer of the capital improvement board of managers of the county.

(b) The capital improvement board or its designee shall deposit the revenue received under this section in a special fund, which may be used only for paying usual and customary operating expenses that have a positive economic impact with respect to the capital improvements that are operated by the capital improvement board. The special fund may not be used for the payment of any current or future obligations owed by the board:

(1) to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or

1 **another agreement entered into between the capital**
2 **improvement board and the Indiana stadium and convention**
3 **building authority or any state agency under IC 5-1-17-26; or**
4 **(2) for the construction or equipping of a capital improvement**
5 **that is used for a professional sporting event or convention,**
6 **including the financing or refinancing of a capital**
7 **improvement or the payment of lease payments for a capital**
8 **improvement."**

9 Renumber all SECTIONS consecutively.

(Reference is to EHB 1604 as printed April 7, 2009.)

Senator KENLEY